

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

RUSSELL BASSET GATES,

Plaintiff,

v.

ISIDRO BACA,

Defendants.

Case No. 3:12-cv-00550-MMD-VPC

ORDER

Plaintiff sent a copy of the attached letter to the Court. Plaintiff is admonished that *ex parte* communications with a judge are inappropriate in most circumstances. See Local Rules, Part II, LR 7-6. Moreover, a document requesting a Court order must be styled as a motion, not a letter (see F.R.C.P. 7). Letters to a judge will be disregarded. While the Court directed for the attached letter to be filed herewith, the Court will not take any action in response to the letter.

DATED THIS 2<sup>nd</sup> day of October 2013.

  
MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE

1.20-13

MIRANDA M DU

UNITED STATES DISTRICT JUDGE = RENO. NV.

I HAVE RECIEVED FOUR LETTER DENT ME COUNCIL  
IUE SENT FOR 19 ITEMS TO TRY TO EXPLAIN THE  
HORROR OF THE LAS VEGAS JUDICIAL SYSTEM. THE COURT  
DOCUMENT ON THE PLEA DEAL IUE SENT FOR,  
MR. JEFF MANINGO NEVER SHOWED UP, I WAS IN CHAIN  
FROM 7AM TO 4:30 PM WHILE THEY LOOKED FOR  
MR. MANINGO, I DID NOT SAY I WOULD ACCEPT A  
2-20 LEWD CONDUCT CHARGE. STACY KOLLINS TOLD ME  
10-LIFE PLEA DEAL WITHOUT MY COUNCIL PRESENT  
AT ALL. I CAN ASSUME YOU HAVE HEARD THESE  
ACCUSATIONS BEFORE, IN 2008 I WAS IN A GUN<sup>9</sup> ALL  
THE TIME THESE ACCUSATIONS WERE MADE AND I WAS  
DENIED THE RIGHT TO GIVE MY SIDE OF THE STORY TO  
THE JURY BECAUSE OF DONALD MASLE'S STATEMENTS.  
PLEASE REVIEW THE ITEMS IUE SENT FOR, MY WIFE  
HAS LETTERS FROM MANINGO, (CPDO) STATING WHAT HE  
WAS GOING TO DO BUT DID NOT. I'M A GOOD MAN WHO  
HAS NEVER BEEN ARRESTED IN MY LIFE. I THANK YOU  
FOR REVIEWING THESE DOCUMENTS AND AWAIT YOUR  
RESPONSE

Sincerely yours

Russell Gates

1-28-10  
1  
DEAR SIRs,

MY NAME IS RUSSELL B GATES, I'M 66 YEARS OLD, I'VE NEVER BEEN ARRESTED IN MY LIFE TIL 4-9-09. MY CASE NUMBER IS C255572 THE PRELIM TRIAL WAS 7-9-09 THE TRIAL WAS 12-9-09 THRU 12-15-09. TO START WITH MY DEFENSE LAWYER WAS CHARLES KEIT FOR PRELIM ONLY, HE TOLD ME HE WANTED \$50,000<sup>00</sup> TO GO TO TRIAL AFTER GIVING HIM 15,000<sup>00</sup> FOR PRELIM. HE ALSO TOLD ME HE WAS 99.9% SURE I WOULD GO HOME! CHRISTINA PETES AND HER 10 YR OLD BROTHER ARE THE ACCUSING PARTY IN THIS CASE. THAT CHANGED THEIR STORY 3 TIMES BY THE TIME IT WENT TO TRIAL. MY 12 YR OLD SON BRANDON J. GATES BROUGHT THESE 2 KIDS HOME IN 2008, HIS FIRST GIRLFRIEND MY WIFE AND I WANTED EVERYTHING TO GO GOOD FOR HIM. ON THE 2ND VISIT. CHRISTINA CALLED ME DADDY AND MY WIFE MOM. IN COURT SHE SAID WE FORCED HER TO SAY IT, WE HAVE WITNESSES, BUT THE PUBLIC DEFENDER SAID WE DIDN'T NEED THEM. DURING 2008 I HAD BLADDER CANCER, 3 SURGERIES LATER I WAS GIVEN A CLEAR BILL OF HEALTH. ALL THESE CHARGES WERE MADE UP IN 2008. I WAS IN GREAT PAIN ALL YEAR. NOW 12-11-09 JUDGE DOWAN MOSLEY CLEARED THE COUNT AT START OF TRIAL, TOLD DEFENSE NOT TO MENTION MR. GATES CANCER OPERATION IN 2008 HE SAID HE DIDN'T WANT THE JURY TO FEEL SAD FOR HIM AND SEND HIM HOME!



I LOOK AT PUBLIC DEFENDER JEFF MANINGO  
 AND SAID CAN HE DO THIS? HE SAID LETS NOT  
 UPSET THE JUDGE! ALSO AT SOME TIME D.A.  
 STACEY KOLLINS TOLD JUDGE SHE DIDNT WANT  
 DEFENSE TO MAKE CHRISTINA PETES LOOK ~~GOOD~~  
 LIKE A NEIGHBORHOOD SLUT. HE AGREED AND  
 WITH IT THE SUMMIT MOTION WENT DOWN THE  
 DRAIN. JEFF MANINGO CAME TO MY HOME  
 WHILE I WAS IN JOIL AT CCDC INTERVIEWED MY  
 WIFE AND I SAYS RUSSELL IS 19 BRANDON IS 12  
 BRANDON TOLD HIM CHRISTINA SAID TO HIM  
 SHE'S HAD 10 BOYFRIENDS IN THE PAST AND  
 WAS GOING WITH 2 NOW WHILE SHE WAS WITH  
 BRANDON AND HAD SEX WITH 2 OF THEM.  
 BRANDON TOLD MY WIFE SHE TOLD ME. SO  
 4 PEOPLE KNEW OF THIS ONLY, PLEASE SEE  
 LETTER FROM MR. MANINGO STATING TO  
 ELVOKE SUMMIT ~~BY~~ MOTION 1 WEEK PRIOR TO  
 TRIAL. I LOOKED AT MANINGO IN COURT AND  
 SAID FOR TOLD HER, HOW ELSE WOULD SHE KNOW  
 TO DESTROY PART OF OUR DEFENSE! HE SAID  
 DONT WORRY THEY HAVE NOTHING. CHRISTINA PETE  
 HAS NO MOTHER OR FATHER, SHE WANTED MY  
 WIFE AND I TOO ADOPT HER AND HER BROTHER  
 TRAVIS, I TOLD HER WE WERE TO OLD SHE GOT  
 UPSET MANY TIMES DURING 2008. SHE ALSO  
 TOLD BRANDON IF DADDY AND MOM WONT ADOPT  
 US I SHT DADDY DID THINGS TO US SO FOR WONT  
 HAVE A DADDY EITHER

3

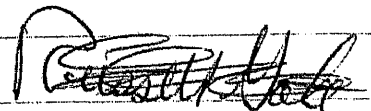
MR. MANINGO KNEW THIS ALSO, AND TOLD BRADDOCK DON'T BRING IT UP IN COURT BECAUSE FOUN DADDY WILL BE HOME AFTER TRIAL IS DONE! I HAD 6 WITNESSES FOR MY TRIAL. JUDGE MOSCOT TOLD JURY ON FRIDAY AT 5PM WE WILL BE BUSY WITH MR. GATES WITNESSES MONDAY + TUESDAY AND WILL CLOSE TRIAL OUT ON WEDNESDAY. ALL MY WITNESSES SHOWED UP MONDAY IN 40 MINUTES HE GOT RID OF ALL OF THEM. HE TOLD THEM TO SAY YES, NO I DON'T KNOW ONLY, DON'T WORRY MR. GATES WILL BE HOME TONIGHT FOR DON'T HAVE TO DEFEND HIM. AUDREY DUPATE IS A 20 YEAR OLD GIRL THAT MY WIFE AND I RAISED SINCE SHE WAS 8 1/2 YEARS OLD THAT THE P.D.O. FLEW HER FROM BURBANK CALIF TO LAS VEGAS FOR TRIAL. ON THE STAND SHE WAS ASKED HOW LONG HAVE YOU KNOWN MR GATES, SHE SAID 1 1/2 YEARS, SHE SAID I'VE NEVER KNOWN MY BIOLOGICAL FATHER AND MR. GATES IS NOW MY DADDY, MY ATTORNEY SAID THANK YOU, FOUR DISMISSED, I WAS IN SHOCK AS SHE WALKED PAST IN BEWILDERMENT. MANINGO LOOKED AT DA ROLLINS AND SMILED, I KNEW THEN THE FIX WAS IN. I TOLD HIM HE WAS WORKING WITH DA. TO GET A CONVICTION, HE SAID NO! ALSO THERE WAS 2 MISTRIALS FILED OUT BY MANINGO, I WAS TAKEN OUT OF COURT

BROUGHT BACK, ASK MANAGER WHATS GOING  
 ON, HIS ANSWER I MADE A DEAL WITH THE JUDGE  
 JUST SIT DOWN AND FORGET IT. THATS ILLEGAL I  
 KNEW IT IS BUT WE WENT ON. TO SUMMARIZE  
 THIS 34 CHARGES ON 4-9-09 AFTER PRELIM JO  
 WERE THROWN OUT, LEAVING 14 2 WEEKS PRIOR  
 TO TRIAL PLEA DEAL OFFERED BY STATE ROBBINS  
 WITHOUT MY ATTORNEY PRESENT WHICH IS  
 PROSECUTORIAL MISCONDUCT. SHE OFFERED 1 LEWD  
 CONDUCT 10 TO LIFE. I TOLD HER IM NOT GOING  
 LETS GO TO TRIAL! THERE IS NO EVIDENCE  
 AT ALL SURVIVE HOSPITAL ON STAND SAID  
 NO MARK OF BITE KIND ON CHRISTINA REYES  
 NO P.D.A. NO WITNESSES NOTHING AT ALL  
 THAT WAS PLEA DEAL WAS OFFERED I WOULD  
 UP WITH 7 LEWD CONDUCTS 70 TO LIFE  
 2 SEXUAL ASSAULTS 40 TO LIFE, SENTENCE  
 WAS 40 TO LIFE! THEY ALSO CHANGED THE  
 PRELIM TRANSCRIPT, CHRISTINA ON STAND 7-9-09  
 WAS ASKED DD MA GATES BUT HIS FINGER IN her BOTTOM  
 SHE SAID NO ASKED 3 MORE TIME BY DA DISCOVER NO  
 CHARLES KELLY SAID FOUR HUNDRED 3 TIMES SHE SAID NO  
 JUDGE TOLD DA TO MOVE ON SHE GRABBED  
 POLICE REPORT AND SAID WELL YOU TOLD POLICE  
 HE DID, HER ANSWER WAS POLICE DETECTIVES TOLD  
 ME TO SAY IT. ALL OF THAT WAS REMOVED IN  
 TRANSCRIPT! TO MAKE MATTERS WORSE I FINALLY  
 GOT TRANSCRIPTS FROM NEW ATTORNEY, TRACK LOWELL  
 AUGUSTO CLOUDS 1-10. I CALLED CHARLES KELLY



5

TOLD HIM HE SAID YOU GOT TO BE KIDDING  
 HE TOLD ME TO HAVE MR CLARK CALL HIM  
 RIGHT AWAY. 3 DAYS BEFORE SETTLING  
 MR CLARK CAME TO SEE ME A CDC  
 I ASKED ABOUT KELLY'S RESPONSE, HE SAID  
 HE TOLD HIM TO LET IT GO BECAUSE HE HAD  
 TO WORK IN THIS TOWN AND IT WILL UPSET  
 THE JUDGE. I GIVE UP I'VE NEVER SEEN SUCH  
 DISHONEST JUDICIAL TREATMENT IN MY LIFE, SO  
 GOOD THINGS AT SETTLING THE STEPMOTHER  
 OF CHRISTINA GETS ON STAND AND SAID  
 BOTH THESE KIDS HAVE HUGE PSYCHOLOGICAL  
 PROBLEMS WAY BEFORE THEY MEET THE  
 GATES FAMILY. JUDGE MOSLEY DENIED A  
 PSYCHOLOGICAL EXAM ON KIDS 2 MONTH PRIOR  
 TO TRIAL, THIS IS A HUGE APPEAL ISSUE.  
 ALSO MR CLARK ASKED CHRISTINA, YOU SAID MR  
 GATES PUT HIS FINGER IN YOUR VAGINA 7-13  
 TIMES SHE SAID YES, HE SAID WHAT A  
 NUMBER, SHE SAID THE POLICE DETECTIVE  
 GAVE HER THAT 7-13 TIMES NUMBER. ~~HOPEFULLY~~  
 HOPEFULLY THIS TRANSCRIPT WON'T BE ALTERED  
 MR ATTORNEY IS STILL WAITING FOR TRIAL  
 TRANSCRIPTS 9 MONTHS? THEY ARE PROBABLY  
 CORRECTING THEIR MISTAKES. THANK YOU FOR  
 READING THIS. MY WIFE HAS A LOT OF PAPER  
 WORK ON THIS AND WILL BE GLAD TO SEND IT  
 TO YOU

~~STEFANIE JONES~~ 

6

TO FINISH THIS AMAZING TRIAL ON  
 12-11-09 CHRISTINA PETES TOOK WITNESS  
 STAND AND SAID MR. GATES NEVER TOUCHED  
 ME AFTER D.A. COULDN'T GET HER TO CHANGE  
 THE STORY SHE WAS DISMISSED HER BROTHER  
 TREVIS SAID SAME THING. DA 1ST SAID WHEN  
 WAS THE FIRST TIME MR. GATES TOUCHED YOU  
 HIS ANSWER WAS NEVER. THEN DA KOLIKOS SAID  
 WHEN WAS 2ND TIME. HE SAID AHH UPSTAIRS  
 ONCE DOWNSTAIRS ONCE, I ASK MR. MALINGO ABOUT  
 FOR GOING TO OBJECT HE SAID WHY I SAID THERE'S  
 NO 1ST TIME! AS USUAL WHY UPSET THE JURY!  
 PLEASE SEE QUOTES IN TRIAL BT JEFF MALINGO

I KNOW I HAVE HUGE APPEAL ISSUES  
 IN THIS CASE BUT THE DISPICABLE TACTICS  
 USED TO GET A CONVICTION IS SURLY UNJUST  
 THANK YOU FOR READING THIS, I HOPE YOU CAN  
 HELP ME OUT.

MY WIFE IS MARICELA GATES  
 5172 ZOROASTER ST ~~REDACTED ADDRESS~~  
 LAS VEGAS NV 89148

Sincerely yours  
 Russell B. Gate



<< Back



EDWARD LAWRENCE, REPORTER

## Clark County Debuts as a 'Judicial Hellhole'

UPDATED: DEC 31, 2007 10:37 AM PST



Judge Elizabeth Gonzalez

The Clark County court system is ranked the fifth worst "judicial hellhole" in the nation. The courts received that failing grade from a special interest group, The American Tort Reform Association. One local attorney and judge have different opinions on the ranking.

The American Tort Reform Association based the ranking heavily on the relationship between attorneys and judges in Clark County. Our judges are elected and their major campaign contributors are the attorneys with cases in front of them.

All anyone accused of a crime or being sued in a civil case wants is a fair unbiased day in court. The legal system is set up to allow judges to be an impartial voice guiding the proceedings.



Las Vegas attorney Ozzie Fumo

The American Tort Reform Association accuses Clark County civil court judges of not being impartial.

Judge Elizabeth Gonzalez said, "It's unfortunate that someone from the outside likes to make those comments without doing their own research."

She says the report used news accounts of very old court cases to give Clark County the fifth worst the ranking in the nation. She has been on the bench in Clark County since 2004 and is up for re-election next November. That's a major part of the problem, according to the Tort Association.

The association president says judges routinely hear cases presented by some of their major campaign contributors.

"That is the way the system works because we do elect our judges here in Nevada. The biggest constituent base for the judges is the attorneys," said Judge Gonzalez.



The Nevada Judicial Discipline Committee removed Judge Elizabeth Halverson.

MR. AUGUSTUS CLAUS,

**COPY**

WELL FM 67 YEARS OLD TODAY, IVE BEEN IN THE LAW LIBART ALOT LATELT, I WANT DETAILS OF WHAT YOU DOING AND WHAT IS TRANSPIRING ABOUT MY APPEALS!

- ① EXACTLY WHAT WERE THE APPEALS?
- ② WHAT DOES IT TAKE SINCE YOU KNOW ABOUT ALL THE ILLEGAL COURT TATICS DONE BY JEFF MANINGO AND D.A. STEPH KOLLINS.
- ③ YOU ASKED ME TO READ TRIAL TRANSCRIPTS AND LET YOU KNOW WHAT DISCREPANCIES I ~~FOR~~ FOUND WELL DON'T FORGET I HAD 9 PEOPLE IN THAT COURTROOM WHO HEARD ITEMS FROM S. KOLLINS WHICH WERE LIES, AND IT WASNT IN THE TRIAL TRANSCRIPTS! IVE GOT PEOPLE UP HERE WHO GOT THEIR TRIAL TRANSCRIPTS 3 DAYS AFTER TRIAL IT TOOK US 12 MONTHS WHAT? YOU ALSO KNOW ABOUT THE ILLEGAL INSTANCES OF PERJURY WRITTEN AND VERBAL, I HAVE NO TRANSCRIPTS OF THE SEVENTEENING DATE, WHAT CHRISTINA RET'S SAID AND HER STEP MOM SAID ABOUT THE 2 KIDS? DID IT DISAPPEAR LIKE THE TRIAL TAPE WHICH MANINGO AND PRELIM TAPES OF TRIAL WERENT TAKEN? EVERYONE ELSE WHO HAD A TRIAL AT CCDC WERE ON TAPE! YOU KNOW THEY DOCTORED THE PRELIM TRANSCRIPTS

COPY

AND THE TRIAL TRANSCRIPTS TO COVER UP THEIR MISTAKES! THAT IS A FEDERAL OFFENSE, AND YOU KNOW IT.

4 ALSO YOU TOLD ME YOU WOULD VISIT ME AT HIGH DESERT, YOU DID NOT. YOU ALSO TOLD ME YOU WOULD COME UP TO NVCC WHERE I AM NOW YOU HAVEN'T!

⑤ IVE GOT 1 PIECE OF MAIL FROM YOU SINCE 03-2010 WHICH WAS TRIAL TRANSCRIPTS WHICH I GOT 3-2011.

⑥ MART IS SCARED OF THE ILLEGAL TACTICS OF THE CLARK COUNTY JUDICIAL SYSTEM, MART AND 6 MORE PEOPLE CAN WRITE AFFIDAVIDS ABOUT CHARLES KELLY'S PERJURY STATEMENT, YOU KNOW IM INNOCENT!

⑦ CHARLES KELLY, JEFF MALIBO AND YOU ALL SAID MR. GATES YOU GOT F---ED. IM HOPE YOU REACT ON MY SIDE TO DEFEND ME!

⑧ IVE GOT A LOT OF MEDICAL PAPERS FROM CCDC HIGH DESERT, AND NVCC, IVE FILED A LAW SUIT WHICH WILL GO TO THE 9TH DISTRICT COURT THIS SO CALLED CC JUDICIAL SYSTEM AND PRISON MEDICAL FED ME IBUPROFEN FOR 22 MONTHS WHILE I URINATED BLOOD, IVE LOST MY BLADDER AND PROSTATE AND I HAD CANCER! IT WILL TAKE TIME BUT I WOULNT LET THEM GET AWAY WITH IT.



COPY

⑨ How come 18 months and absolutely no contact from you at all? Are you thinking oh well he's in prison if I need him I know where he is.

⑩ Mr. Claus I feel like you put me on my self and went about your life I've been thru alot of pain + suffering and have the paperwork to prove it please advise me on whats going on and are you still with me! I would appreciate a response from you.

Sincerely Yours  
Russell Galt

EXHIBIT  
B

PHILIP J. KOHN, PUBLIC DEFENDER  
NEVADA BAR NO. 0556  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
(702) 455-4685  
Attorney for Defendant

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

RUSSELL GATES,

Defendant.

CASE NO. C255572

DEPT. NO. IV

DATE: October 13, 2009

TIME: 9:00 a.m.

**MOTION FOR PSYCHOLOGICAL EXAMINATION OF COMPLAINING WITNESSES**

COMES NOW, the Defendant, RUSSELL GATES, by and through Jeff Maningo, Deputy Public Defender, and hereby moves this Honorable Court for an order granting the Defendant's Motion for psychological exam of the complaining witness.

This Motion is made and based upon all the papers and pleadings on file herein, the attached Memorandum of Points and Authorities, and oral argument at the time set for hearing this Motion.

DATED this \_\_\_\_ day of September, 2009.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By: \_\_\_\_\_  
JEFF MANINGO, #8845  
Deputy Public Defender

### Famous Quotes by Jeff Mandingo during the Trial of Russell Gates:

Statement from Mandingo on 1<sup>st</sup> day of trial before it started.

Q: "You know, Russ, I had the preliminary transcripts on my table on Thanksgiving Day and was thinking of you".

A: "What planet is this man really on?"

Q: "Jeff, Why did you spend so little time cross examining the children that are accusing me?"

A: "We do not want the jury to think we're mean to them."

Mr. Gates reply: "You have got to be kidding!"

Q: "What happened to the two mistrials you yelled in court about?"

A: "I made a deal with the judge, just sit down and don't worry about it!"

Mr. Gates reply: "It's my right to know!"

Q: "You know the D.A. is lying about taking the girl upstairs and beating her with a hairbrush in Mr. Joshua Weisbuchs house, There is no upstairs! It's a single level house!"

A: "It's so late in the trial, why bring it up."

Mr. Gates reply: "Find me a tree and rope, I'll end it here."

Q: "Jeff, Why did you spend less than 1 hour on all of my witnesses when the D.A. spent 1 ½ hours on 1 child who testified against me?"

A: "We don't want them to think you're just a good guy and that's all."

Mr. Gates reply: ""You're working with the D.A. against me you idiot!"

Q: "Jeff, You know the D.A. is lying about what happened to these children, Object, Say something!"

A: "Don't worry it's just a smoke screen, she has nothing on you at all."

Mr. Gates reply: "I'm choking on her smoke."

Q: "The kids on the stand said Mr. Gates did not put suntan lotion on their private parts and at the preliminary said the opposite. Why didn't you expand on that point?"

A: "We don't want to confuse the jury!"

Mr. Gates reply: "You have got to be the biggest joke in the P.O. office."

### Points of Interest to be of note:

9/8/09: In Judge Hardcastles courtroom, she asked;

To the D.A.-are you ready for trial? =answer is Yes.

To Mr. Mandingo- are you ready for trial? =answer is Yes.

To Mr. Gates- are you ready for trial? =answer was; Judge, Mandingo hasn't even talked to any of my witnesses! How can he be ready?-Judge put the trial date at 12/9/09. This guy is a jerk!



11/18 or 11/19/09: Mr. Mandingo did not even bother to show up in court. Judge Mosely asks me where he is. I stated, "I have no idea". D.A. said to the Judge, "Oh, last week I offered a plea deal to Mandingo." The judge looks at me for a response. I told him that Mr. Mandingo never discussed a plea deal with me, never told me anything. Judge stated, "Unbelievable!" This Mandingo is a complete flake as a public defender. He is a complete fraud. He works with the D.A. to fill the prison system so he and she can have job security. He is a crook in an illegal judicial system rated the 7<sup>th</sup> worst county court in the USA.

I have a letter dated 9/28/09 from P.D.O Mandingo stating that he will engage a summit hearing motion 1 week before trial. Start of trial 12/9/09 the D.A. tells Judge Mosely she doesn't want the defense team to make Christina Reyes look like a slut. Judge agrees and the summit hearing motion is denied. How did she have this information prior to trial? I guess Mandingo discussed this with the D.A. prior to trial and used it as a despicable legal tactic against me. This man is a real slime ball. I intend to let everyone know that his tactics are ruthless. How many innocent men and women has he put in prison? Having to go to prison is a shame, yet my child will know I am a good guy in a rotten judicial system.

\* \* \* \*

Case No. C255572  
Dept. XIV

MAUREEN SCHORN, CCR NO. 496, RPR

1 LAS VEGAS, NEVADA. TUESDAY, DECEMBER 1, 2009, 9:00 A.M.

2 \* \* \* \*

3  
4 THE COURT: C255572, State versus Russell  
5 Gates. The record will reflect the presence of the  
6 defendant in custody. Mr. Maningo is Defense counsel,  
7 Ms. Kollins for the State. The matter is on for calendar  
8 call. The status, please?

9 MS. KOLLINS: Good morning, Judge. Stacy  
10 Kollins. I'm here on behalf of the DA's office. I  
11 believe we're ready to go to trial, probably between eight  
12 and ten witnesses, probably take us a week to get through  
13 because of the jury selection process these being life  
14 sentences.

15 I made an offer to Mr. Maningo, one count,  
16 lewdness with a minor, ten to life. They came back to me  
17 with a probationable two to 20.

18 I can't see my way fit with victim to give one  
19 count of attempt lewdness with a minor, two to 20.  
20 Perhaps if we could have met in the middle somewhere there  
21 might be something to be done, but we can't come together.

22 THE COURT: Mr. Maningo?

23 MR. MANINGO: We're ready. And I have  
24 noticed about eight witnesses as well.

25 THE COURT: All right. Mr. Gates, let me



1 explain something to you. It's not the province of the  
2 Court, nor is it my practice, for that matter, to get  
3 involved in negotiations. That's between your attorney,  
4 you and the Prosecutor.

5 But I think it's fair to tell you that shortly  
6 within about five minutes we're going to be ready to go to  
7 trial and there won't be any negotiations, except straight  
8 up pleas, and that's certainly not something you want to  
9 imagine. But do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: So I don't want to hear three  
12 days from now or the day of trial: I decided I want to  
13 take the deal or whatever. Do you follow me there?

14 THE DEFENDANT: There is no deal.

15 THE COURT: So you're absolutely sure you  
16 want to go to trial and you do not want to accept the  
17 negotiations?

18 THE DEFENDANT: Positive.

19 MR. MANINGO: And just to clarify, Judge, I  
20 did speak with Mr. Gates about it, and the current offer  
21 is a mandatory minimum of ten years. Mr. Gates is almost  
22 70 years old now, so that means early as possible parole  
23 eligibility would be when he's 80 years old, and I think  
24 that's really where the sticking point is.

25 And I understand Ms. Kollins' position. I asked

1 our counteroffer yesterday asking to go down from a  
2 lewdness to an attempt lewdness, and she was not  
3 comfortable with that, and so that's where we're at.

4 THE COURT: All right. So trial is  
5 scheduled the 7th at 1:30, and it is the trial so we are  
6 ready to go forward?

7 MR. MANINGO: Yes, sir.

8 THE COURT: Thank you.

9 MS. KOLLINS: I did tell Mr. Maningo  
10 yesterday my investigator has been out. So when we saw  
11 that this was going forward, I had to enlist a second  
12 investigator to speak to his witnesses.

13 I told him that I would be giving notice of her,  
14 I gave him a verbal notice of her on the phone yesterday.  
15 I don't imagine I'll really have to call her, but her name  
16 is Debbie Marriot, and I may have to file a witness notice  
17 for her, depending on how we handle the trial.

18 MR. MANINGO: And I told Ms. Kollins that's  
19 fine, and gave her notice just because I don't know if I  
20 added my investigator Bruce McAllister on our list. She  
21 said that will be fine as well.

22 THE COURT: All right. It appears we're on  
23 board. Appreciate your appearance.

24 / / /

25 / / /

1 MS. KOLLINS: Thanks, Judge.

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4 ATTEST: Full, true and accurate transcript of  
5 proceedings.

6   
7 MAUREEN SCHORN, CCR NO. 496, RPR

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MAUREEN SCHORN, CCR NO. 496, RPR

**DECLARATION**

JEFFREY S MANINGO makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and the Defendant has represented the following facts and circumstances of this case.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this \_\_\_\_\_ day of September, 2009.

\_\_\_\_\_  
JEFFREY S MANINGO